

## Article - Environment

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§9-342.1.

(a) (1) In this section, “sewage treatment plant” means any publicly or privately owned facility that is:

(i) Constructed to receive primarily and treat human sewage;  
and

(ii) Subject to a State discharge permit.

(2) For purposes of this section, “sewage treatment plant” means only those plants that have a discharge permit that was issued on the basis of a discharge of 500,000 gallons or more per day.

(b) (1) In this subsection, “significant violation” means a monthly average discharge as expressed in milligrams per liter that is equal to or greater than:

(i) 1.4 times the effluent limitation allowed by the discharge permit for biochemical oxygen demand; or

(ii) 1.2 times the effluent limitation allowed by the discharge permit for:

1. Suspended solids; or

2. Total Kjeldahl nitrogen (TKN).

(2) (i) If a sewage treatment plant is in significant violation of any effluent limitation under this subsection, the owner shall pay an administrative penalty of \$10 for each pound that is discharged in excess of its discharge permit under this subsection.

(ii) A penalty for each significant violation of each of the effluent limitations of this subsection may not exceed \$5,000 per month.

(c) (1) In this subsection, “significant violation” means a monthly average discharge as expressed in milligrams per liter that is equal to or greater than 1.2 times the effluent limitation allowed by the discharge permit for any 2 months in a consecutive 6-month period for:

- (i) Phosphorus; or
- (ii) Nitrogen.

(2) (i) If a sewage treatment plant is in significant violation of any effluent limitation under this subsection, the owner shall pay an administrative penalty of \$10 for each pound that is discharged in excess of its discharge permit under this subsection.

(ii) A penalty for each significant violation of each of the effluent limitations of this subsection may not exceed \$5,000 per month.

(d) (1) In this subsection, “significant violation” means more than 10% of the instantaneous measurements for dissolved oxygen in the effluent, measured over a period of 1 month, that violate the minimum dissolved oxygen permit limit.

(2) If a sewage treatment plant is in significant violation of the effluent limitation under this subsection, the owner shall pay an administrative penalty of \$5,000 for each significant violation under this subsection.

(e) (1) In this subsection, “significant violation” means more than 10% of the instantaneous measurements of effluent pH or chlorine, over a period of 1 month, that violate the range for pH or the maximum limit for chlorine in the discharge permit.

(2) The owner of a sewage treatment plant shall pay an administrative penalty of \$5,000 for each effluent limitation in a month for which a significant violation occurs under this subsection.

(f) (1) Penalties required by this section shall be:

(i) Calculated on the basis of:

1. The monthly discharge monitoring report filed by each sewage treatment plant; and

2. Any other discharge monitoring information that may be compiled by the Department; and

(ii) Assessed on a monthly basis.

(2) (i) Unless a hearing is requested, all penalties for any significant violation under this section shall be paid to the Department within 90 days of the end of the calendar month in which the significant violation occurred.

(ii) If a hearing is requested, all penalties for any significant violation under this section shall be paid to the Department within 30 days after the decision of the hearing officer.

(g) (1) Penalties for the sum of all significant violations under subsections (b), (c), (d), and (e) of this section may not exceed \$25,000 per month for any sewage treatment plant.

(2) The penalties required to be imposed under this section are in addition to any other penalties provided by law.

(h) Any person required to pay a penalty under this section shall have the right to a hearing but may waive that right in writing.

(i) (1) Except as provided in paragraph (2) of this subsection, a penalty imposed under this section may not be:

(i) Waived;

(ii) Reduced; or

(iii) Used to assist the penalized person in upgrading a sewage treatment plant.

(2) A penalty imposed under this section may be waived by the Department:

(i) If the discharge was due to:

1. An act of God; or

2. A power outage or a massive discharge of any pollutant that could not reasonably have been anticipated by the owner or operator of the plant; or

(ii) As long as the sewage treatment plant:

1. A. Is in compliance with a compliance schedule contained in an order issued by the Department; and

B. Meets all interim effluent limitations established by the Department; or

2. A. Has recently upgraded to meet more stringent standards and is operating under a start-up program and schedule approved by the Department;

B. Is implementing operational modifications to accomplish biological nutrient removal under a program and schedule approved by the Department; or

C. Is accomplishing major maintenance or facility repair under a program and schedule approved by the Department; or

(iii) If compliance with the effluent limitations set forth in this section is prevented by a judicial or administrative action initiated by a person other than an agency responsible for regulating the sewage treatment plant or the owner or operator of the sewage treatment plant.

(3) For purposes of the waiver allowed in paragraph (2)(ii) of this subsection, the Department may not issue any waiver if the compliance schedule in effect as of October 1, 1992 or any subsequent compliance schedule is modified by the Department, except that a waiver may be allowed if:

(i) The violator applies in writing for a waiver and clearly demonstrates that extraordinary circumstances prevent compliance; and

(ii) The Department determines that the violator has acted in good faith to meet all effluent limitations and has failed to comply because of extraordinary circumstances that have been documented by clear and convincing evidence.

(j) The Department shall deposit the penalties collected under this section in the Maryland Clean Water Fund created under § 9-320 of this subtitle.

(k) The Department shall collect the penalties required to be imposed under this section beginning January 1, 1993 and on the first day of each subsequent month.

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